

- MINUTES -

AIR QUALITY BOARD MEETING JUNE 5, 2002

I. Call to Order

The meeting was called to order at 1:33 p.m.

Board members present:

David B. George
Jeffrey K. Utley
Richard R. Olson

Ernest E. Wessman
Wayne M. Samuelson
Dannie R. McConkie

James R. Horrocks
John M. Veranth

Executive Secretary: Richard W. Sprott

II. Date of the Next Air Quality Board Meeting

The next meeting of the Board will be held Wednesday, July 3, 2002. The August Board meeting will be held Wednesday, August 7, and the September Board meeting will be held Wednesday, September 4.

III. Approval of the Minutes of the May 13, 2002, Board Meeting

Jeff Utley made the motion to approve the minutes of the May 13, 2002, Board meeting. Ernie Wessman seconded the motion. The motion passed.

IV. Final Adoption: Amend R307-110-10 and State Implementation Plan Section IX, Part A, Fine Particulate Matter (PM10) for Utah County

Final Adoption: Amend R307-110-17 and State Implementation Plan Section IX, Part H, Emission Limits for Utah County

Presenters: Bill Reiss; Dave McNeill

This SIP revision was released for public comment in March. Comments, where appropriate, have been incorporated into this final proposal. If the Board adopts the proposal, it could become state law as early as August 1, 2002. Dave and Bill reviewed the changes that were made to provide clarity to the proposal.

The change to Part H adds clarification to the Geneva Steel portion of the emission limit section in an effort to provide more clarity to enforceability, monitoring, and recordkeeping.

Changes to Part A deal with the attainment demonstrations. One change was to emissions that had been allocated to the Lehi Cogen facility. Lehi Cogen went bankrupt and never officially banked its emissions; therefore, DAQ zeroed out those emission numbers. During the comment period, Lehi Power commented that as a result of bankruptcy proceedings, they could make claim to those emission credits. Although

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this issue is still under discussion, DAQ has gone ahead and entered the original numbers back into the attainment demonstration.

Another number affecting the attainment demonstration was the additional growth number for road salting. It had been zero, but EPA suggested there should be some degree of growth to reflect more emissions due to road salting, so DAQ came up with a number of 11.9%.

Although changes have been made, the conclusion of the attainment demonstration remains unchanged and is not a significant departure from what was proposed.

John Veranth asked for clarification on the Lehi Cogen emissions credits. Since the viability of the emissions credits is presently in dispute, if the Board was to approve this item, could the source claim that its ownership of the emissions credits has thereby been affirmed? Fred Nelson responded that this would not be the case. In answer to Lehi's comments, DAQ was very clear that the viability of the emissions credits was still under discussion, and that they were included in the SIP as a precautionary measure should these discussions reveal that the emissions credits are, in fact, viable.

Public Comment from Dave Kopta of DMK Environmental Engineering, representing Provo City Power: Provo City has a concern that in the SIP that is being replaced at this point in time, there is a condition on their plant that limits their hours of operation on their diesel engine generators to 12 hours per day. That restriction is being eliminated in this new SIP that's being proposed and being replaced with a daily emissions cap of so many tons per day of NOx. That same restriction was added to the facility's approval order after the existing SIP was finalized and put into effect. At some point in time after that, that same language was inserted into the approval order simply to make the approval order consistent with the SIP. There was no reason under any new source review rules or anything else to insert that language into the approval order; it was just a housekeeping type thing. Now that that restriction is being lifted out of the SIP, it's remaining in the approval order and it's taking on a life of its own. It's creating major problems for the plant. They want to be able to run their engines more than 12 hours per day. They can do so and remain with their emissions below the cap that's being established in the new SIP, and the technicalities of the way new source review rules work are preventing them from being able to remove that restriction from the approval order without going through all of the major source revisions that include obtaining banked emission credits. Provo City is requesting that some language be inserted into the SIP that says if an approval order contains language which was placed into the approval order only because of trying to be consistent with the SIP, and that language is no longer required for the SIP, that it also be removed from the approval order.

Rusty Ruby stated that if the new SIP has removed the condition that the existing approval order has in it, there's no reason why the condition couldn't be removed from a subsequent approval order.

John Veranth asked that staff review this request and report at next month's meeting. Rick Sprott stated that staff would review the request and report next month.

John Veranth asked that some formatting problems be corrected before the next round of SIP maintenance revisions.

David George asked for a clarification of paragraph 1.a.G in Part H, ... "using procedures similar to Method 9." Rick Sprott responded that, in the future, DAQ needs to look at changing the terminology in

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defining the procedure in a way so that it takes it out of the controversial realm of trying to establish it as a standard method, the way EPA Method 9 is, because that is not appropriate.

MOTION: Jim Horrocks made the motion to approve for final adoption the amendment to R307-110-10 and State Implementation Plan Section IX.A for PM10, and the amendment to R307-110-17 and SIP Section IX.H.1, Emission Limitations for Utah County. Richard Olson seconded the motion. The motion passed.

V. Final Adoption: R307-415-9, Operating Permit Fees

Presenter: David Beatty, Manager, Operating Permits Section

On February 13, the Board proposed for public comment a change in the way operating permit fees are handled if a source is no longer subject to the Operating Permits rule, and some additional language clarifying the inventory/fee years. At the February 13 Board meeting, the Board asked DAQ to investigate whether refunds, rather than credits, could be given.

In meeting with the Department's finance office, it was determined that a refund could be given instead of a credit transfer, as proposed. The refunds could be issued the same year the credit became available.

A public hearing was held March 22. Some discussions were held with Rosemary Beless during the hearing, but no formal comments were submitted. Ms. Beless submitted written comments on behalf of Wasatch Constructors. Comments were also received from Board members. As a result of comments received, some changes have been made, including removing the word "credit" throughout.

Staff recommends adoption of R307-415-9(3)(d) and R307-415-9(3)(e) with the additional language clarifications.

John Veranth complimented the staff for their work on this issue.

Rosemary Beless also thanked the staff and wanted to confirm that the new regulations would apply to Wasatch Constructors' situation. The new regulations will apply to a credit for the 2001 state fiscal year overpayment, and if there is an overpayment with the 1998 emissions inventory, the 2000 state fiscal year fees, that that would also be a refund as opposed to a credit.

Fred Nelson commented that the rule is intended, the way it's proposed, to apply to those that fit under it under previous years.

MOTION: John Veranth made the motion to approve for final adoption R307-415-9, Operating Permit Fees. Wayne Samuelson seconded the motion. The motion passed.

VI. Information Items

A. Compliance Activities for May 2002

No questions or comments.

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B. HAPS Compliance Activities for March/April 2002

Bryce Bird brought attention to a copy given to each Board member of the Appellate Court's decision on the Rocky Mountain Asbestos violations.

C. Monitoring Activities for May 2002

Bob Dalley reviewed May's monitoring activities. The summer ozone no-drive program began June 1 and will go until September 30. Ozone concentrations are evaluated every afternoon, and if the next day looks to be a high ozone day, the public is alerted as to things they can do to reduce the emissions of precursors of ozone.

John Veranth mentioned that New Mexico has gone through a natural event action plan to be able to flag and exclude wind storm days. Mr. Dalley responded that Utah has done the same thing.

Rick Sprott commented that the public hasn't responded very well to the Spare the Air no-drive program. Renette Anderson, and others, has come up with a program termed "Choose Clean Air." It's all about individual choices and things individuals can do if not driving is not an option. The program is being piloted in the Department of Environmental Quality.

D. SIPs Update

Jan Miller brought attention to two items that have been published in the Federal Register, which should receive approval soon:

1. Revise I/M plan to receive full credit
2. Revise used oil exemption

VII. Miscellaneous

John Veranth asked Rick Sprott to address the PM10 maintenance plan committal letter that was sent to EPA in April 2002. Mr. Sprott responded that DAQ sent a letter to EPA on April 18 committing to work with EPA to resolve some of the ongoing issues with the PM10 SIP. These issues will be worked on in the course of developing a maintenance plan for both Salt Lake and Utah counties.

David George complimented DAQ staff for their work on the Utah County PM10 SIP.

The meeting adjourned at 2:42 p.m.